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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

MARTHA RODRIGUEZ, a single woman,

Plaintiff

VS.

QUALITY LOAN SERVICE CORP. a California corporation licensed to do business in the State of Arizona,
MIDFIRST BANK a nationally chartered bank, and their subsidiary **MIDLAND MORTGAGE COMPANY**, an Oklahoma Corporation licensed to do business in the State of Arizona, **WELLS FARGO BANK, N.A.**, a national banking association licensed to do business in the State of Arizona. **TRES AMIGOS PROPERTIES LLC**, an Arizona limited liability company, **XYZ CORPORATIONS 1-10, JOHN and JANE DOES 1-10, BLACK PARTNERSHIPS 1-10**

Defendants.

CASE NO.: CV 09-1853-PHX-FJM

**MOTION FOR LEAVE TO AMEND
COMPLAINT**

COMES NOW, Plaintiff, **MARTHA RODRIGUEZ**, by and through undersigned counsel hereby moves this court for leave to file her amended complaint.

A Plaintiff may amend their Complaint as a matter of law once before any responsive pleading has been served. After a response, the party's amended pleading requires leave by the court. Leave to amend shall be freely given when justice requires. Fed. R. Civ. P. 15(a).

The amendment is required for a number of reasons. First, although Quality Loan Services never produced the noticing evidence after numerous attempts both before and after filing the complaint, Tres Amigos did provide sufficient evidence of notice. As a result, both of them have been dismissed. The caption has been changed to reflect this change. The landscape has significantly changed with this new evidence; Plaintiff now concedes that retrieval of the property is no longer a viable remedy. Therefore, the complaint must be amended to accurately reflect the current parties to the case and Plaintiff's prayer for monetary relief as opposed to relief relating to retrieval of the property. Lastly, an amendment is required to clarify the factual basis of the Plaintiff's complaint in this matter.

The changes to the complaint include clarifying that Defendants' actions caused emotional distress requiring an additional award of damages, eliminating any reference to Quality Loan Services or Tres Amigos, updating the fact that Plaintiff was evicted after the trustee sale, and other changes to make the complaint consistent with the current state of the case.

WHEREFORE, it is respectfully requested that Plaintiff be allowed to file her Amended Complaint as attached hereto as Exhibit A.

DATED this 6th Day of January, 2010.

JOSEPH W. CHARLES, P.C.

By /s/ Joseph W. Charles

1 ORIGINAL filed this 6th day of
2 January, 2010, with:

3 Clerk of the Court

4 COPY of the foregoing mailed this 6th
5 day of January 2010, to:

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